

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CURTIS DALE RICHARDSON,)	Civil Action No.: 3:05-cv-749-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
UNITED STATES ARMY, et al.,)	
)	
Defendants.)	
)	

Pending before the Court is the *pro se* Plaintiff's [Docket Entry #24] Motion to be Relieved from Order of Dismissal, which was docketed by the Clerk's office as a Motion for Reconsideration of the Judgment that granted the Defendants' Motion to Dismiss. The Judgment granting the Defendants' Motion to Dismiss was entered on March 17, 2006, following the Order of this Court adopting the Report and Recommendation of the Magistrate Judge. The Report and Recommendation of the Magistrate Judge recommended that the Plaintiff's action be dismissed for failure to file the cause of action within the applicable statute of limitations. On March 3, 2006, the Court adopted the Report and Recommendation of the Magistrate Judge for failure to file timely objections to the Report and Recommendation. On April 11, 2006, Plaintiff filed a Motion for Reconsideration of the Order adopting the Report and Recommendation of the Magistrate Judge. *See* [Docket Entry #23]. That Motion for Reconsideration was denied on April 19, 2006. Also on April 11, 2006, the Plaintiff filed [Docket Entry #24] Motion to be Relieved from Order of Dismissal, which is now pending before the Court.

Again on April 11, 2006, the Plaintiff appealed the Order adopting the Report and

Recommendation of the Magistrate Judge to the Fourth Circuit Court of Appeals. On September 7, 2006, the Fourth Circuit Court of Appeals affirmed by unpublished per curiam opinion this Court's Order adopting the Report and Recommendation of the Magistrate Judge. *Curtis Dale Richardson v. United States of America, et al.*, No. 06-6668, [Docket Entry #31]. Procedurally and as a practical matter, the Plaintiff is asking this Court for relief from an Order of the Fourth Circuit Court of Appeals. This Court has no such authority. This Court cannot now grant relief to the Plaintiff from an Order of the Fourth Circuit Court of Appeals. On that basis alone, Plaintiff's Motion to be Relieved from Order of Dismissal should be denied.

Alternatively, the Plaintiff appears to make the pending Motion under Rule 60 of the Federal Rules of Civil Procedure. As an additional ground for denying the Plaintiff's Motion and after review of the Defendants' response, the Plaintiff has failed to show any reason under Rule 60 why this Court should grant the relief requested in the Plaintiff's Motion.

Conclusion

For the reasons stated above, this Court **DENIES** Plaintiff's [Docket Entry #24] Motion for Reconsideration of the [Docket Entry #22] Judgment.

IT IS SO ORDERED.

March 15, 2007

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge